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Letter dated 17 July 2003 from the Secretary-General of the United Nations to the President of the Security Council

With reference to the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I have the honour to convey the attached letter dated 14 July 2003, which I received from the Secretary-General and High Representative for the Common Foreign Security Policy of the European Union, transmitting the report on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period 1 January to 30 June 2003 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 14 July 2003 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Secretary-General of the United Nations

In accordance with the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I attach a report on the activities of the European Union Police Mission in Bosnia and Herzegovina (EUPM) covering the period 1 January to 30 June 2003 (see enclosure). I propose to provide the Security Council with a written update on the progress of EUPM every six months, as appropriate. I would be grateful if you would transmit the present letter and its enclosure to the President of the Security Council.

(*Signed*) Javier **Solana**

Enclosure

European Union Police Mission in Bosnia and Herzegovina

Report by the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period 1 January to 30 June 2003

Introduction

The Security Council, at its 4661st meeting on 12 December 2002, considered the situation in Bosnia and Herzegovina (BiH) and the successful conclusion of UNMIBH's mandate in that country. The Security Council expressed its intention to keep the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and its annexes (Peace Agreement) under review. The Council invited the EU 'to keep it regularly informed as appropriate on the activities of EUPM' (S/PRST/2002/33, 12 December 2002).

EUPM, the first operation undertaken under the European Security and Defence Policy (ESDP), was initiated as a follow-on mission to the UN International Police Task Force (IPTF) in BiH. It was established by a decision of the Council of the EU on 11 March 2002 on the invitation of the authorities of BiH and has been endorsed by the Peace Implementation Council (PIC) Steering Board and the UN Security Council (UNSCR1396).

This report is the first update by the Secretary General/High Representative for the Common Foreign and Security Policy of the European Union, Javier Solana, to the Security Council on the activities of the EUPM covering the period of 1 January-30 June 2003.

Status of the EUPM

As of 20 June 2003 EUPM numbered 851 personnel of which 480 are seconded police officers, 54 international civilians and 317 BiH national staff. All 15 EU Member States participate in EUPM together with 17 non-EU contributing States.[1] EUPM HQ is located in Sarajevo in UN House.

[1] The 17 non-EU contributing States are Bulgaria, Canada, Czech Republic, Cyprus, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Slovakia, Slovenia, Switzerland, Turkey and Ukraine.

EUPM assumed its responsibilities on 1 January 2003 immediately upon the conclusion of the UN IPTF mandate and has been fully deployed since then throughout BiH. EUPM personnel are colocated with their BiH police counterparts at mid to senior levels in 47 colocations, covering all levels of the BiH administrative structure:

- State level: Ministry of Security (MoS), State Border Service (SBS), State Information and Protection Agency (SIPA)
- Entity level: the Federation of BiH, Republika Srpska (RS) and Brcko District
- Canton/PSC level (10 Cantons in the Federation, 5 PSC in RS).

EUPM is an unarmed, non-executive police mission with a mandate until December 2005.

Mandate and Operations

The EUPM began operations on 1 January 2003 with a mission to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, thereby raising current BiH police standards.[2] EUPM's goals are to preserve the existing levels of institutional and professional proficiency achieved over the course of the UN IPTF mission; to enhance police managerial and operational capacities through monitoring, mentoring, inspecting and advising; to strengthen police professionalism at senior officer levels as well as within the ministries and to monitor the exercise of appropriate political control over the police.

EUPM's tasks also reflect the European Union's approach to the rule of law in the Western Balkans within the context of the EU's Stabilisation and Association policies toward these countries. EUPM is an integral element in this overall strategy. The mission is supported by the European Commission's institution building programmes (CARDS).

In addition to the monitoring and mentoring work at colocation levels, EUPM has launched seven programmes (five thematic and two institution-specific). The issues they address reflect areas identified by the UNMIBH/IPTF and build on the progress made by the UN mission during its seven-year operation. With the start-up phase of the operation now concluded, EUPM's programmes will become increasingly the primary framework for the mission to fulfill its mandate and assist BiH police build institutional and professional capacity. The programmes are:

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[2] Council of the European Union Joint Action of 11 March 2002 on the European Union Police Mission (2002/210/CFSP), Annex, 'Mission Statement for EUPM'.

- Crime Police (incl. major and organised crime and human trafficking, 'FIGHT' programme)
- Criminal Justice (incl. Court Police and cooperation between the police and judiciary)
- Internal Affairs (incl. establishment of Public Complaints Bureau in each police force)
- Police Administration (incl. financial, personnel and administrative management training)
- Public Order and Security (incl. returnee safety, crime prevention, support units)
- State Border Service (SBS)
- State Information and Protection Agency (SIPA).

Priorities

The Police Head of Mission established two operational priorities at the outset of EUPM: returnee security and the fight against organised crime. In the context of these priorities EUPM has worked closely with BiH police authorities on focused activities. EUPM's approach places the responsibility for action on local police authorities with the mission providing crucial planning support, back up, advice and monitoring at all phases of operations. This emphasis has yielded important positive steps on the part of local BiH police towards greater police cooperation both between the cantons of the BiH Federation as well as at the inter-Entity level, as evidenced in the Working Group on Returnee Issues set up by EUPM. The mission has not, to date, registered any significant rise in ethnic-related crime in 2003.[3]

EUPM is working with all BiH forces in the development of an intelligence-led approach to fighting organised crime, its second operational priority. This approach has resulted in the first countrywide BiH-led raids on illegal 'night bars' in January 2003 and a number of apprehensions of persons suspected of human trafficking as well as suspected trafficked victims. The most important of these is the Milakovic case, an operation undertaken by BiH police with back up from the EUPM, OHR and SFOR, which is now with the Office of the Prosecutor of BiH. Coordinated operations for stolen cars as well as a number of recent significant seizures of drugs and forged euro notes by SBS have further illustrated the potential of increased cooperation among BiH police forces and related agencies such as BiH customs authorities.

Another area of EUPM concentration is the development of State-level police institutions. The High Representative for BiH (double-hatted as EU Special Representative for BiH), Lord Ashdown, as

[3] EUPM HQ reports BiH crime figures for the first four months of 2003. Compared to the same period in 2002 they show an overall rise of 4.41% in reported crime (Federation +8.31%, Brcko District -13.37%, Republika Srpska, +00.13%).

well as the Police Head of Mission, Commissioner Sven Frederiksen, have forcefully articulated the EU view that law enforcement capacity at the State level is necessary if organised crime is to be successfully tackled. It is also a prerequisite to BiH's integration into Europe. While SBS is now established at all BiH's border points, the State Information and Protection Agency created in 2002 has yet to become operational. EUPM is working closely with OHR on the set up of SIPA as well as on expanding SIPA's powers to include investigative capacities. Progress on implementation has been slow however and BiH authorities have so far failed to locate a suitable building for SIPA.

EUPM is also working with the Ministry of Security established in December 2002. EUPM colocators have been assisting the Minister and his staff (total of 5) in developing its rules and institutional framework.

The most significant challenge to EUPM in the period under consideration has been repeated attempts to call into question the police certification process conducted by UNMIBH/IPTF. In a number of cases individual former police officers who were refused certification by the UN IPTF have taken their appeals to local Courts. In at least one case, local courts found in favour of decertified officers and ordered their reinstatement. The potential failure by BiH authorities to respect the decisions of the UN certification process is serious: it would undermine the post-Dayton police reform process undertaken by IPTF and severely weaken EUPM's efforts to continue this vital element of the peace implementation. At the request of the High Representative/EUSR, the UN Under Secretary-General for Peacekeeping Operations on 28 May 2003 issued a clear statement of the final and binding nature of the BiH police certification process. The UN's affirmation has been widely distributed to BiH political authorities and in the press. EUPM's policy remains firm that the certification process concluded with the end of the UNMIBH/IPTF mission on 31 December 2002 and that UNMIBH/IPTF decisions taken on certification are binding. EUPM has refused to re-open cases or accept appeals against certification decisions.

Coordination with BiH authorities

The EUPM's message to BiH authorities is clear: law enforcement and the rule of law is a local responsibility. EUPM is there to assist BiH police carry out these responsibilities, not to substitute them. This approach has been largely welcomed among BiH police authorities, EUPM's main interlocutors, and good relationships have been developed at mid and senior levels across BiH police forces. The Police Head of Mission has established a Steering Board with the Entity Directors of Police, the Chief of Police of Brcko District, the SBS Director and Chief and the SIPA

Director to jointly identify priorities, set targets and assess progress. Seven working groups, covering each of the EUPM's programme areas, have been set up to practically implement the priorities and targets set by the Steering Board. Relevant EUPM personnel and BiH police officials participate in each.

EUPM has established good contacts with the appropriate BiH political authorities for the rule of law in its first six months, in close liaison with the High Representative/EUSR. BiH political authorities, to date, have been generally supportive towards EUPM particularly in its context of the EU's overall approach to BiH and BiH's integration into Europe.

Liaison with the International Community in BiH

EUPM is a relatively small mission, working in a subject area that lies at the heart of governance and society. Liaison with other international actors, therefore, has been a priority for EUPM. EUPM liaison officers have been appointed to SFOR, OHR, OSCE, ICTY, UNHCR at headquarter and field office levels (in the case of SFOR, to battle group levels). EUPM is an active participant in the rule of law pillar coordinated by the OHR and works directly with appropriate international organisations on particular issues, such as UNHCHR for human trafficking issues.

Cooperation is supplemented on the ground by the EUPM and SFOR-initiated Situational Awareness Groups. These bring together the main international organisations in the field to exchange information on security and the rule of law and serve as an early warning for potential problems and tensions, particularly in sensitive returnee areas.

The transition from UNMIBH/IPTF to EUPM which contributed so much to the successful start of EUPM was finally concluded on 30 June 2003 when the UN liquidation team terminated its mission. EUPM is the first experience of cooperation in the field between the UN and EU and illustrates that a smooth and efficient transition of responsibility from the UN to EU in a crisis management operation is no longer an aspiration but a concrete component of our cooperation.

Outlook

The EUPM has concluded its start-up phase and has entered a more operational stage where the main focus will be the implementation of projects established under the seven EUPM programmes. The specific detail of many of these projects will be shaped by the commitment of BiH authorities to establishing, in particular, effective state-level police institutions. EUPM expects this issue to be

at the fore in the next six months and, in this respect, will be working in close coordination with the High Representative/EUSR who supervises the overall Rule of Law reform effort in BiH.